

AMENDED IN SENATE AUGUST 17, 1998

AMENDED IN SENATE JUNE 1, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2406

Introduced by Assembly Member Wayne
(Principal coauthor: Assembly Member Davis)
(Coauthors: Assembly Members Baldwin, Ducheny, and
Goldsmith
(Coauthors: Senators Alpert and Peace)

February 20, 1998

An act to amend Sections 31470.2, 31470.3, 74368, and 74370 of the Government Code, relating to court employees, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 2406, as amended, Wayne. Court employees: San Diego.

Existing law specifies the classification and compensation of court employees in the County of San Diego.

The County Employees' Retirement Law prescribes retirement benefits for persons included in the safety membership category.

This bill would provide that court service officers in the County of San Diego shall be safety members for purposes of determining retirement benefits. The bill would also revise the classification for purposes of compensation of court service officers in San Diego County, thus establishing a

state-mandated local program. *The bill would also specify that all costs associated with court employee salaries and benefits provided by the bill shall be paid solely from specified funds available to the courts.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 31470.2 of the Government
2 Code is amended to read:

3 31470.2. All sheriffs, undersheriffs, chief deputies
4 sheriff, jailers, turnkeys, deputies sheriff, bailiffs,
5 constables, deputies constable, motorcycle officers,
6 aircraft pilots, heads and assistant heads of all divisions of
7 the office of the sheriff, detectives and investigators in the
8 office of the district attorney, marshals, court service
9 officers only in a county of the third class, as defined in
10 Sections 28020 and 28024, and all regularly appointed
11 deputies marshals are eligible.

12 SEC. 2. Section 31470.3 of the Government Code is
13 amended to read:

14 31470.3. Clerks, bookkeepers, stenographers, court
15 service officers, except in a county of the third class, as
16 defined in Sections 28020 and 28024, and other employees
17 who may have been appointed as deputies sheriff or
18 deputies marshal but who do not perform the duties of
19 any peace officers enumerated and honorary deputies
20 sheriff or other persons holding appointments as deputies
21 sheriff who receive no compensation therefor who do not
22 regularly perform official duties and those whose
23 principal duties clearly do not fall within the scope of

1 active law enforcement, even though such a person is
2 subject to occasional call, or is occasionally called upon to
3 perform duties within the scope of active law
4 enforcement are ineligible.

5 SEC. 3. Section 74368 of the Government Code is
6 amended to read:

7 74368. The marshal may make the following
8 appointments:

9 (a) One assistant marshal.

10 (b) Four captains.

11 (c) Five lieutenants.

12 (d) Twenty sergeants.

13 (e) One hundred ninety-two deputy marshals.

14 Any deputy marshal who may be assigned by the
15 marshal to one of 10 positions designated as lead deputy
16 shall receive, while serving in that capacity, biweekly
17 compensation at a rate 5 percent higher than that
18 received by the deputy.

19 The marshal may, at his or her discretion, fill a deputy
20 marshal or court service officer position by accepting a
21 lateral transfer from another California peace officer
22 agency. The transferee shall have completed a California
23 P.O.S.T. certified basic academy and been employed for
24 at least one year in a position enumerated in Chapter 4.5
25 (commencing with Section 830) of Title 3 of Part 2 of the
26 Penal Code within the past three years.

27 (f) One administrative secretary I, II, or III.

28 (g) One administrative services manager I, II, or III or
29 administrative assistant III.

30 (h) One accounting technician.

31 (i) Two senior typists.

32 (j) Thirty-five field service officers.

33 Notwithstanding any other provisions of this article, in
34 no event shall a field service officer's salary be less than
35 65 percent of the salary of a deputy marshal at the
36 corresponding pay step. The field service officer is a
37 peace officer trainee position which requires appointees
38 to be at least 18 years of age and meet the qualifications
39 and standards prescribed for deputy marshals. At the
40 time an incumbent in the class of field service officer

1 attains the age of 21, he or she may be appointed by the
2 marshal to a position in the class of deputy marshal or
3 court service officer, provided such position is open,
4 without further qualification or examination.

5 A field service officer shall receive 65 percent of the
6 uniform allowance prescribed for deputy marshals. In the
7 event that a field service officer is appointed to the class
8 of deputy marshal or court service officer, he or she shall
9 receive the amount of reimbursement of the cost of
10 required uniforms and equipment prescribed for a newly
11 hired deputy marshal or court service officer, less any
12 reimbursement received by him or her for the cost of
13 required field service officer uniforms and equipment.

14 (k) One departmental computer specialist I, II, or III.

15 (l) Nine legal procedures clerks III.

16 (m) Forty-three legal procedures clerks II or I.

17 (n) One hundred five court service officers. In no
18 event shall a court service officer's salary be less than 80
19 percent of a deputy marshal at the corresponding pay
20 step. A court service officer shall receive the same
21 uniform allowance prescribed for a deputy marshal,
22 under the same conditions prescribed for deputy
23 marshals. The marshal may appoint a court service officer
24 to a vacant position of deputy marshal without further
25 qualification or examination. In the event that a court
26 service officer is appointed to the class of deputy marshal,
27 he or she shall receive the amount of reimbursement
28 prescribed for a newly hired deputy marshal, less any
29 reimbursement received by him or her for the cost of
30 required court service officer uniforms and equipment.
31 Court service officers shall be peace officers pursuant to
32 Section 830.36 of the Penal Code. Notwithstanding any
33 other provision of law, court service officers shall be
34 safety members of the county employees retirement
35 system.

36 (o) Any person specified in subdivision (f) or (i), who
37 may be assigned by the marshal to one of the positions
38 designated as executive secretary or
39 administrative-personnel secretary shall receive, while
40 serving in that capacity, biweekly compensation at a rate

1 10 percent higher than that specified for such person's
2 class and step.

3 (p) Two supervising legal services clerks.

4 (q) Three marshal's radio trainees or emergency
5 services dispatchers.

6 (r) Two administrative assistants III, II, I, or trainee.

7 (s) Two senior systems analysts or senior applications
8 engineers.

9 (t) Notwithstanding Section 74369, up to 15 extra help
10 positions (hourly rate) to be appointed at a level as
11 determined by and serve at the pleasure of the marshal.
12 Such appointments shall be temporary for a period not to
13 exceed six months, plus one additional period at the
14 marshal's option, not to exceed six months.
15 Notwithstanding any other provisions of this section, the
16 marshal may fill these positions with persons employed
17 for less than 121 working days during a fiscal year on a
18 part-time basis.

19 (u) Notwithstanding Section 74369, the marshal may
20 appoint up to six temporary extra help marshal student
21 workers I, II, or III who shall be paid at an hourly rate and
22 shall serve at the pleasure of the marshal. A marshal
23 student worker I, II, or III shall receive an hourly salary
24 at the rate equal to that specified for the class of student
25 worker I, II, or III respectively in the unclassified service
26 of the County of San Diego. Persons who graduate and
27 receive a degree in the field which qualified them for
28 appointment to a marshal student worker class may
29 remain in the class and be employed on a full-time basis
30 for up to six months from the first day of the month
31 following their date of graduation.

32 (v) Two associate systems analysts or assistant systems
33 analysts or applications engineers I or II.

34 (w) Notwithstanding Section 74369, up to five
35 provisional workers may be appointed by and serve at the
36 pleasure of the marshal. The class of provisional worker
37 provides for temporary appointments to positions in
38 classes not listed in Section 74370 pending a review and
39 evaluation of the duties of these positions by the marshal,
40 and the establishment of specific classes as provided in

1 this subdivision. Prior to the establishment of those
2 classes, the county personnel director shall conduct a
3 classification review and make recommendations to the
4 marshal as to the establishment of such classes. The rate
5 of pay for each individual employed in this class of
6 provisional worker shall be within the range proposed for
7 the class pending establishment, at a rate determined by
8 the marshal following consultation with the county
9 personnel director. The rules regarding appointment and
10 compensation as they relate to appointments to
11 provisional workers shall be the same as those applicable
12 to the class that is pending establishment. Appointments
13 shall be temporary and shall not exceed six months.
14 Employee benefits, if applicable, shall be equal to those
15 granted to the class in the service of the County of San
16 Diego to which the pending class will be tied for benefit
17 purposes. When such an appointment is made, the class,
18 compensation (including salary and fringe benefits), and
19 number of such positions may be established by joint
20 action of the marshal and the board of supervisors in
21 accordance with established county personnel and
22 budgetary procedures. The marshal may then appoint
23 additional attachés to such classes of positions in the same
24 manner as those for which express provision is made, and
25 they shall receive the compensation so provided. Persons
26 occupying provisional worker positions shall have their
27 appointments expire not later than 30 calendar days
28 following promulgation of a list of certified eligibles for
29 the new class. Appointments to the new class shall
30 continue at the stated compensation or as thereafter
31 modified by joint action of the marshal and the board of
32 supervisors.

33 (x) Notwithstanding any other provision of law, the
34 number of positions in classifications authorized under
35 subdivisions (b) to (s), inclusive, (u), (v) and (w) of this
36 section may be increased by up to 100 additional positions
37 by joint action of the majority of the judges and the board
38 of supervisors in accordance with established county
39 personnel and budgetary procedures. The rules
40 regarding appointment and compensation (including

salary and fringe benefits) as they relate to appointments of persons to such positions shall be the same as those applicable to the class of such positions. The action of the majority of the judges and the resolution of the board of supervisors adjusting those positions shall designate the class title or titles and number of positions to be added to each respective class. Any adjustment made pursuant to this subdivision shall be effective on adoption of the resolution by the board of supervisors and shall remain in effect only until January 1 of the second year following the year in which this subdivision becomes effective, unless earlier ratified by the Legislature.

SEC. 4. Section 74370 of the Government Code is amended to read:

74370. (a) The hereinafter enumerated classes of positions in the marshal's office of San Diego County are deemed to be equivalent in job, salary level, and fringe benefit level to certain classes in the service of the County of San Diego and whenever the salary and fringe benefit level of a class in the service of the County of San Diego is adjusted by the board of supervisors, the salary and fringe benefit level of the equivalent class in the marshal's office shall be adjusted in the same amount, effective on the same date.

The equivalent classes are as follows:

Marshal class	County class
Assistant marshal	Assistant sheriff
Captain	Deputy sheriff--captain
Lieutenant	Deputy sheriff--lieutenant
Sergeant	Deputy sheriff--sergeant
Deputy marshal	Deputy sheriff
Court service officer	Corrections deputy sheriff
Field service officer	Revenue and recovery officer trainee
Legal procedures clerk III	Legal procedures clerk III
Legal procedures clerk II	Legal procedures clerk II
Legal procedures clerk I	Legal procedures clerk I
Senior typist	Senior clerk-typist
Administrative assistant III	Administrative assistant III

1	Administrative assistant II	Administrative assistant II
2	Administrative assistant I	Administrative assistant I
3	Administrative trainee	Administrative trainee
4	Accounting technician	Accounting technician
5	Senior systems analyst	Senior systems analyst
6	Associate systems analyst	Associate systems analyst
7	Assistant systems analyst	Assistant systems analyst
8	Department computer	Department computer
9	specialist III	specialist III
10	Department computer	Department computer
11	specialist II	specialist II
12	Department computer	Department computer
13	specialist I	specialist I
14	Senior applications	Senior applications
15	engineer	engineer
16	Applications engineer I	Applications engineer I
17	Applications engineer II	Applications engineer II
18	Administrative secretary III	Administrative secretary III
19	Administrative secretary II	Administrative secretary II
20	Administrative secretary I	Administrative secretary I
21	Administrative services	Administrative services
22	manager I	manager
23	Administrative services	Administrative services
24	manager II	manager
25	Administrative services	Administrative services
26	manager III	manager
27	Supervising legal services	Supervising legal services
28	clerk	clerk
29	Radio trainee	Radio trainee
30	Emergency services	Emergency services
31	dispatcher	dispatcher

32 (b) In addition to the salary provided in this article,
 33 officers, deputies, and other attachés of the marshal's
 34 office shall receive, and they shall be entitled to, the same
 35 number of holidays, leaves of absence, retirement
 36 benefits, deferred compensation benefits, and all other
 37 fringe benefits as are now or may hereafter be provided
 38 for the specified comparable employees of the County of
 39 San Diego.

1 For purposes of providing the fringe benefits specified
2 in this section, each class in the marshal's office shall
3 receive benefits equal to those of the comparable class in
4 the service of the County of San Diego as specified in this
5 section. The marshal shall receive the same fringe
6 benefits received by the classification of Chief Probation
7 Officer of the County of San Diego. However, all officers,
8 deputies, and other attachés of the marshal's office shall
9 be eligible to enroll in the dental and vision group
10 insurance plans sponsored by the County of San Diego.

11 The purpose and intent of this subdivision is to provide
12 all marshal's personnel with any and all fringe benefits,
13 but no more than those, which are available to their
14 comparable classes in the service of the County of San
15 Diego, as specified in this section. Whenever action or
16 approval by the chief administrative officer or the county
17 personnel director is required for a county benefit, it shall
18 be taken or given as to comparable marshal's employees,
19 by the marshal, or as to the marshal by the majority of the
20 judges or their designees. Changes in fringe benefits shall
21 be effective on the same date as those for employees of
22 the County of San Diego in the specified comparable
23 classes. The marshal may adopt rules for the conduct of,
24 and personnel privileges to be afforded to, marshal
25 employees, excluding fringe benefits.

26 *SEC. 4.5. All costs associated with the court employee*
27 *salaries and benefits provided by this act shall be paid*
28 *solely from funds already available to the courts affected*
29 *for the 1998–99 fiscal year and thereafter available*
30 *pursuant to the trial court funding process.*

31 SEC. 5. No reimbursement is required by this act
32 pursuant to Section 6 of Article XIII B of the California
33 Constitution because the only costs that may be incurred
34 by a local agency or school district are the result of a
35 program for which legislative authority was requested by
36 that local agency or school district, within the meaning of
37 Section 17556 of the Government Code and Section 6 of
38 Article XIII B of the California Constitution.

39 Notwithstanding Section 17580 of the Government
40 Code, unless otherwise specified, the provisions of this act

1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

3 SEC. 6. This act is an urgency statute necessary for the
4 immediate preservation of the public peace, health, or
5 safety within the meaning of Article IV of the
6 Constitution and shall go into immediate effect. The facts
7 constituting the necessity are:

8 In order to ensure adequate staffing for the courts of
9 San Diego County, it is necessary that this act take effect
10 immediately.

